

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

S. ALLEN

CASE NO.: BB1171 DIV

SERIAL NO.: UNKNOWN

GROUP ART UNIT: UNKNOWN

FILED: CONCURRENTLY HERewith

EXAMINER: UNKNOWN

FOR: PLANT PROTEIN KINASES

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Before examination on the merits, please amend the above-referenced application as follows:

IN THE CLAIMS

Please cancel claims 1-30.

Please add the following new claims:

31. An isolated polynucleotide comprising:

(a) a nucleotide sequence encoding a polypeptide having calcium dependent phosphorylase kinase activity, wherein the amino acid sequence of the polypeptide and the amino acid sequence of SEQ ID NO:4 have at least 90% identity based on the Clustal alignment method, or

(b) the complement of the nucleotide sequence.

32. The polynucleotide of Claim 31, wherein the amino acid sequence of the polypeptide and the amino acid sequence of SEQ ID NO:4 have at least 95% identity based on the Clustal alignment method.

33. The polynucleotide of claim 31 comprising the nucleotide sequence of SEQ ID NO:3.

34. The polynucleotide of claim 31, wherein the polypeptide comprises the amino acid sequence of SEQ ID NO:4.

35. A chimeric gene comprising the polynucleotide of claim 31 operably linked to a regulatory sequence.

36. An expression vector comprising the polynucleotide of claim 31.

37. A method for transforming a cell comprising transforming a cell with the polynucleotide of claim 31.

38. A cell comprising the chimeric gene of claim 35.

39. A method for producing a plant comprising transforming a plant cell with the polynucleotide of claim 31 and regenerating a plant from the transformed plant cell.

- 40. A plant comprising the chimeric gene of claim 35.
- 41. A seed comprising the chimeric gene of claim 35.

REMARKS

Claims 1-30 have been cancelled. Claims 30-41 have been added. Claims 30-41 are pending. This application is a divisional of U.S. application serial No. 09/347,801.

Support for the sequence identities recited in the claims are found on page 6, 1st full paragraph of the specification. Support for claims 39-41 is found in Examples 5 and 6, pages 21-25 of the specification.

Please charge any necessary fee to Deposit Account 04-1928
(E. I. du Pont de Nemours and Company).

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,



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Dated: May 19, 2001

404 F.3d 1303 (10th Cir. 2001)